

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 13

By: Silk

AS INTRODUCED

An Act relating to abortion; providing short title; providing legislative intent; amending 12 O.S. 2011, Section 1053, which relates to wrongful death; modifying statutory reference; modifying applicability of section; requiring district attorneys to ensure enforcement of certain laws; amending 21 O.S. 2011, Section 652, which relates to attempts to kill; modifying statutory references; modifying applicability of section; removing certain protection from prosecution; amending 21 O.S. 2011, Section 691, which relates to the definition of homicide; modifying and adding definitions; removing certain protection from prosecution; amending Section 4, Chapter 238, O.S.L. 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S. Supp. 2018, Section 2004), which relates to medical consent for treatment of minors; modifying applicability of section; amending 56 O.S. 2011, Section 1005, which relates to unlawful acts; modifying construction; amending 59 O.S. 2011, Section 519.11, as amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2018, Section 519.11), which relates to construction of the Physician Assistant Act; removing authority of physicians to perform certain acts; amending 63 O.S. 2011, Section 1-568, which relates to counseling concerning abortion; removing certain cause of action; amending 63 O.S. 2011, Section 1-701, which relates to definitions; modifying certain definition; amending 63 O.S. 2011, Section 1-728c, which relates to employer discrimination; removing certain circumstance under which discrimination is prohibited; amending 63 O.S. 2011, Section 2601, which relates to definitions; modifying certain definition; requiring the Attorney General to monitor enforcement of certain laws and direct state agencies

1 to enforce such laws regardless of conflicting laws;
2 amending 74 O.S. 2011, Section 5054, which relates to
3 limits on use of funds; modifying statutory
4 reference; repealing 63 O.S. 2011, Sections 1-729a,
5 as amended by Section 1, Chapter 121, O.S.L. 2014 (63
6 O.S. Supp. 2018, Section 1-729a), 1-731, 1-731.2
7 through 1-737, 1-737.4, as amended by Section 1,
8 Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2018, Section
9 1-737.4), 1-737.5, 1-737.6, 1-738i, 1-738j, 1-738k,
10 as amended by Section 1, Chapter 303, O.S.L. 2013 (63
11 O.S. Supp. 2018, Section 1-738k), 1-738l, 1-738m, as
12 amended by Section 6, Chapter 255, O.S.L. 2015 (63
13 O.S. Supp. 2018, Section 1-738m), 1-738n, as amended
14 by Section 3, Chapter 303, O.S.L. 2013 (63 O.S. Supp.
15 2018, Section 1-738n), 1-738o, 1-738p, 1-738.1A, 1-
16 738.2 through 1-738.3a, as amended by Sections 1
17 through 3, Chapter 255, O.S.L. 2015 (63 O.S. Supp.
18 2018, Sections 1-738.2 through 1-738.3a), 1-738.3d,
19 1-738.3e, 1-738.5, 1-738.6, 1-738.7, 1-738.8, as
20 amended by Section 4, Chapter 255, O.S.L. 2015 (63
21 O.S. Supp. 2018, Section 1-738.8), 1-738.9 through 1-
22 738.12, 1-738.13, as amended by Section 5, Chapter
23 255, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-
24 738.13), 1-738.14 through 1-740.1, 1-740.2, 1-740.3
and 1-740.4, as amended by Sections 2, 3 and 4,
Chapter 320, O.S.L. 2013 (63 O.S. Supp. 2018,
Sections 1-740.2, 1-740.3 and 1-740.4), 1-740.4a, 1-
740.4b, as amended by Section 1, Chapter 386, O.S.L.
2015 (63 O.S. Supp. 2018, Section 1-740.4b), 1-740.5
through 1-740.11, 1-740.12, as amended by Section
485, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2018,
Section 740.12), 1-741 through 1-743, and 1-745.1
through 1-745.11, which relate to abortion; repealing
Sections 1 through 7, Chapter 170, O.S.L. 2012 (63
O.S. Supp. 2018, Sections 1-729.1 through 1-729.7),
which relate to the Freedom of Conscience Act;
repealing Sections 1 through 9, Chapter 159, O.S.L.
2012 (63 O.S. Supp. 2018, Sections 1-745.12 through
1-745.19), which relate to the Heartbeat Informed
Consent Act; repealing Section 4, Chapter 303, O.S.L.
2013 (63 O.S. Supp. 2018, Section 1-738q), which
relates to the Statistical Reporting of Abortion Act;
repealing Sections 1 through 6, Chapter 198, O.S.L.
2012 (63 O.S. Supp. 2018, Sections 1-738.3f through
1-738.3k), which relate to voluntary and informed
consent; repealing Sections 2, 4 and 5, Chapter 268,
O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-740.2A,

1-740.13 and 1-740.14), which relate to abortion performed upon minors; repealing Sections 1 and 5 through 10, Chapter 320, O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-744 through 1-744.6), which relate to the Parental Notification for Abortion Act; repealing Sections 1, 3 through 5 and 7 through 10, Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2018, Sections 1-746.1, 1-746.3 through 1-746.5 and 1-746.7 through 1-746.10), which relate to abortions; repealing Sections 2 and 6, Chapter 175, O.S.L. 2014, as amended by Sections 7 and 8, Chapter 255, O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-746.2 and 1-746.6), which relate to abortions; repealing Section 1, Chapter 370, O.S.L. 2014 (63 O.S. Supp. 2018, Section 1-748), which relates to abortion facilities; repealing Sections 1 through 10, Chapter 59, O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-737.7 through 1-737.16), which relate to the Oklahoma Unborn Child Protection from Dismemberment Act; repealing Section 9, Chapter 255, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.5a), which relates to performing or attempting an abortion in violation of act; repealing Sections 2 through 4, Chapter 386, O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-749 through 1-750), which relate to abortion procedure compliance requirements; repealing Sections 1 and 3 through 5, Chapter 353, O.S.L. 2016 (63 O.S. Supp. 2018, Sections 1-751 and 1-753 through 1-755), which relate to the Humanity of the Unborn Child Act; repealing Section 2, Chapter 353, O.S.L. 2016, as amended by Section 2, Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2018, Section 1-752), which relates to the Humanity of the Unborn Child Act; repealing Sections 1 through 5, Chapter 308, O.S.L. 2017 (63 O.S. Supp. 2018, Sections 1-740.15 through 1-740.19), which relate to the Choosing Childbirth Act; voiding conflicting provisions of law; declaring act inseverable; providing for codification; providing for noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Abolition of
4 Abortion in Oklahoma Act".

5 SECTION 2. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 It is the intent of the Legislature to provide to unborn
8 children the equal protection of the laws of this state; to
9 establish that a living human child, from the moment of
10 fertilization upon the fusion of a human spermatozoon with a human
11 ovum, is entitled to the same rights, powers, privileges, justice
12 and protections as are secured or granted by the laws of this state
13 to any other human person; and to treat as void and of no effect any
14 and all federal statutes, regulations, executive orders and court
15 rulings, which would deprive an unborn child of the right to life.

16 SECTION 3. AMENDATORY 12 O.S. 2011, Section 1053, is
17 amended to read as follows:

18 Section 1053. A. When the death of one is caused by the
19 wrongful act or omission of another, the personal representative of
20 the former may maintain an action therefor against the latter, or
21 his or her personal representative if he or she is also deceased, if
22 the former might have maintained an action, had he or she lived,
23 against the latter, or his or her representative, for an injury for
24

1 the same act or omission. The action must be commenced within two
2 (2) years.

3 B. The damages recoverable in actions for wrongful death as
4 provided in this section shall include the following: Medical and
5 burial expenses, which shall be distributed to the person or
6 governmental agency as defined in Section 5051.1 of Title 63 of the
7 Oklahoma Statutes who paid these expenses, or to the decedent's
8 estate if paid by the estate.

9 The loss of consortium and the grief of the surviving spouse,
10 which shall be distributed to the surviving spouse.

11 The mental pain and anguish suffered by the decedent, which
12 shall be distributed to the surviving spouse and children, if any,
13 or next of kin in the same proportion as personal property of the
14 decedent.

15 The pecuniary loss to the survivors based upon properly
16 admissible evidence with regard thereto including, but not limited
17 to, the age, occupation, earning capacity, health habits, and
18 probable duration of the decedent's life, which must inure to the
19 exclusive benefit of the surviving spouse and children, if any, or
20 next of kin, and shall be distributed to them according to their
21 pecuniary loss.

22 The grief and loss of companionship of the children and parents
23 of the decedent, which shall be distributed to them according to
24 their grief and loss of companionship.

1 C. In proper cases, as provided by Section 9.1 of Title 23 of
2 the Oklahoma Statutes, punitive or exemplary damages may also be
3 recovered against the person proximately causing the wrongful death
4 or the person's representative if such person is deceased. Such
5 damages, if recovered, shall be distributed to the surviving spouse
6 and children, if any, or next of kin in the same proportion as
7 personal property of the decedent.

8 D. Where the recovery is to be distributed according to a
9 person's pecuniary loss or loss of companionship, the judge shall
10 determine the proper division.

11 E. The above-mentioned distributions shall be made after the
12 payment of legal expenses and costs of the action.

13 F. 1. The provisions of this section shall also be available
14 for the death of an unborn child as defined in Section ~~1-730~~ 691 of
15 Title ~~63~~ 21 of the Oklahoma Statutes.

16 2. ~~The provisions of this subsection shall not apply to:~~

- 17 a. ~~acts which cause the death of an unborn child if those~~
18 ~~acts were committed during a legal abortion to which~~
19 ~~the pregnant woman consented, or~~
20 b. ~~acts which are committed pursuant to the usual and~~
21 ~~customary standards of medical practice during~~
22 ~~diagnostic testing or therapeutic treatment.~~

23 ~~3.~~ Under no circumstances shall the mother of the unborn child
24 be found liable for causing the death of the unborn child unless the

1 mother has committed a crime that caused the death of the unborn
2 child.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 215.41 of Title 19, unless there
5 is created a duplication in numbering, reads as follows:

6 The district attorney shall ensure the enforcement of Chapter 24
7 of Title 21 of the Oklahoma Statutes in relation to abortion
8 regardless of any contrary or conflicting federal statutes,
9 regulations, executive orders, or court decisions.

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 652, is
11 amended to read as follows:

12 Section 652. A. Every person who intentionally and wrongfully
13 shoots another with or discharges any kind of firearm, with intent
14 to kill any person, including an unborn child as defined in Section
15 ~~1-730 691 of Title 63 of the Oklahoma Statutes~~ this title, shall
16 upon conviction be guilty of a felony punishable by imprisonment in
17 the State Penitentiary not exceeding life.

18 B. Every person who uses any vehicle to facilitate the
19 intentional discharge of any kind of firearm, crossbow or other
20 weapon in conscious disregard for the safety of any other person or
21 persons, including an unborn child as defined in ~~Section 1-730 691~~
22 ~~of Title 63 of the Oklahoma Statutes~~ this title, shall upon
23 conviction be guilty of a felony punishable by imprisonment in the
24

1 custody of the Department of Corrections for a term not less than
2 two (2) years nor exceeding life.

3 C. Any person who commits any assault and battery upon another,
4 including an unborn child as defined in Section ~~1-730~~ 691 of Title
5 ~~63 of the Oklahoma Statutes~~ this title, by means of any deadly
6 weapon, or by such other means or force as is likely to produce
7 death, or in any manner attempts to kill another, including an
8 unborn child as defined in Section 1-730 of Title 63 of the Oklahoma
9 Statutes, or in resisting the execution of any legal process, shall
10 upon conviction be guilty of a felony punishable by imprisonment in
11 the State Penitentiary not exceeding life.

12 ~~D. The provisions of this section shall not apply to:~~

13 ~~1. Acts which cause the death of an unborn child if those acts~~
14 ~~were committed during a legal abortion to which the pregnant woman~~
15 ~~consented; or~~

16 ~~2. Acts which are committed pursuant to usual and customary~~
17 ~~standards of medical practice during diagnostic testing or~~
18 ~~therapeutic treatment.~~

19 ~~E. Under no circumstances shall the mother of the unborn child~~
20 ~~be prosecuted for causing the death of the unborn child unless the~~
21 ~~mother has committed a crime that caused the death of the unborn~~
22 ~~child.~~

23 SECTION 6. AMENDATORY 21 O.S. 2011, Section 691, is
24 amended to read as follows:

1 Section 691. A. Homicide is the killing of one human being by
2 another.

3 B. As used in this section, 7:

4 1. "human Human being" includes an unborn child, as defined in
5 Section 1-730 of Title 63 of the Oklahoma Statutes this section;

6 2. "Abortion" means the act of using or prescribing an
7 instrument, drug, medicine or any other substance, device or means
8 with the intent to cause the death of an unborn child;

9 3. "Unborn child" means the unborn offspring of human beings
10 from the moment of fertilization, through pregnancy, and until live
11 birth, including the developmental stages of human conceptus,
12 zygote, morula, blastocyst, embryo and fetus; and

13 4. "Fertilization" means the fusion of a human spermatozoon
14 with a human ovum.

15 C. Homicide shall ~~not~~ include 7, but not be limited to,

16 ~~1. Acts~~ acts which cause the death of an unborn child ~~if those~~
17 ~~acts were committed during a legal~~ an abortion ~~to which the pregnant~~
18 ~~woman consented; or~~

19 ~~2. Acts which are committed pursuant to the usual and customary~~
20 ~~standards of medical practice during diagnostic testing or~~
21 ~~therapeutic treatment.~~

22 ~~D. Under no circumstances shall the mother of the unborn child~~
23 ~~be prosecuted for causing the death of the unborn child unless the~~
24

1 ~~mother has committed a crime that caused the death of the unborn~~
2 ~~child.~~

3 SECTION 7. AMENDATORY Section 4, Chapter 238, O.S.L.
4 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S.
5 Supp. 2018, Section 2004), is amended to read as follows:

6 Section 2004. A. Except as otherwise provided by law, no
7 person, corporation, association, organization, state-supported
8 institution, or individual employed by any of these entities may
9 procure, solicit to perform, arrange for the performance of, perform
10 surgical procedures, or perform a physical examination upon a minor
11 or prescribe any prescription drugs to a minor without first
12 obtaining a written consent of a parent or legal guardian of the
13 minor.

14 B. Except as otherwise provided by law, no hospital as defined
15 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit
16 surgical procedures to be performed upon a minor in its facilities
17 without first having received a written consent from a parent or
18 legal guardian of the minor.

19 C. The provisions of this section shall not apply when it has
20 been determined by a physician that an emergency exists and that it
21 is necessary to perform such surgical procedures for the treatment
22 of an injury, illness or drug abuse, or to save the life of the
23 patient, or when such parent or other adult authorized by law to
24

1 consent on behalf of a minor cannot be located or contacted after a
2 reasonably diligent effort.

3 ~~D. The provisions of this section shall not apply to an~~
4 ~~abortion, which shall be governed by the provisions of Sections 1-~~
5 ~~740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63~~
6 ~~of the Oklahoma Statutes or any successor statute.~~

7 ~~E.~~ A person who violates a provision of this section is guilty
8 of a misdemeanor, punishable by a fine of not more than One Thousand
9 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
10 the county jail, or by both such fine and imprisonment.

11 SECTION 8. AMENDATORY 56 O.S. 2011, Section 1005, is
12 amended to read as follows:

13 Section 1005. A. It shall be unlawful for any person to
14 willfully and knowingly:

15 1. Make or cause to be made a claim, knowing the claim to be
16 false, in whole or in part, by commission or omission;

17 2. Make or cause to be made a statement or representation for
18 use in obtaining or seeking to obtain authorization to provide a
19 good or a service knowing the statement or representation to be
20 false, in whole or in part, by commission or omission;

21 3. Make or cause to be made a statement or representation for
22 use by another in obtaining a good or a service under the Oklahoma
23 Medicaid Program, knowing the statement or representation to be
24 false, in whole or in part, by commission or omission;

1 4. Make or cause to be made a statement or representation for
2 use in qualifying as a provider of a good or a service under the
3 Oklahoma Medicaid Program, knowing the statement or representation
4 to be false, in whole or in part, by commission or omission;

5 5. Charge any recipient or person acting on behalf of a
6 recipient, money or other consideration in addition to or in excess
7 of rates of remuneration established under the Oklahoma Medicaid
8 Program;

9 6. Solicit or accept a benefit, pecuniary benefit, or kickback
10 in connection with goods or services paid or claimed by a provider
11 to be payable by the Oklahoma Medicaid Program; or

12 7. Having submitted a claim for or received payment for a good
13 or a service under the Oklahoma Medicaid Program, fail to maintain
14 or destroy such records as required by law or the rules of the
15 Oklahoma Health Care Authority for a period of at least six (6)
16 years following the date on which payment was received.

17 B. For the purposes of this section, a person shall be deemed
18 to have made or caused to be made a claim, statement, or
19 representation if the person:

20 1. Had the authority or responsibility to make the claim,
21 statement, or representation, to supervise those who made the claim,
22 statement, or representation, or to authorize the making of the
23 claim, statement, or representation, whether by operation of law,
24 business or professional practice, or office procedure; and

1 2. Exercised such authority or responsibility or failed to
2 exercise such authority or responsibility and as a direct or
3 indirect result, the false statement was made.

4 C. The provisions of this section shall not be construed to
5 prohibit any payment, business arrangement or payment practice not
6 prohibited by 42 U.S.C., Section 1320a-7b(b) or any regulations
7 promulgated pursuant thereto ~~or to prohibit any payment, business~~
8 ~~arrangement or payment practice not prohibited by Section 1-742 of~~
9 ~~Title 63 of the Oklahoma Statutes.~~

10 D. For the purposes of this section, a person shall be deemed
11 to have known that a claim, statement, or representation was false
12 if the person knew, or by virtue of the person's position, authority
13 or responsibility, had reason to know, of the falsity of the claim,
14 statement or representation.

15 E. Any employee of the State Department of Health, the
16 Department of Human Services or the Oklahoma Health Care Authority
17 who knowingly or willfully fails to promptly report a violation of
18 the Oklahoma Medicaid Program, subject to the provisions of this
19 section, to the chief administrative officer of such agency or the
20 State Attorney General shall, upon conviction thereof, be guilty of
21 a misdemeanor.

22 SECTION 9. AMENDATORY 59 O.S. 2011, Section 519.11, as
23 amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2018,
24 Section 519.11), is amended to read as follows:

1 Section 519.11. A. Nothing in the Physician Assistant Act
2 shall be construed to prevent or restrict the practice, services or
3 activities of any persons of other licensed professions or personnel
4 supervised by licensed professions in this state from performing
5 work incidental to the practice of their profession or occupation,
6 if that person does not represent himself as a physician assistant.

7 B. Nothing stated in the Physician Assistant Act shall prevent
8 any hospital from requiring the physician assistant and/or the
9 supervising physician to meet and maintain certain staff appointment
10 and ~~credentialling~~ credentialing qualifications for the privilege of
11 practicing as, or utilizing, a physician assistant in the hospital.

12 C. Nothing in the Physician Assistant Act shall be construed to
13 permit a physician assistant to practice medicine or prescribe drugs
14 and medical supplies in this state except when such actions are
15 performed under the supervision and at the direction of a physician
16 approved by the State Board of Medical Licensure and Supervision.

17 D. Nothing herein shall be construed to require licensure under
18 this act of a physician assistant student enrolled in a physician
19 assistant educational program accredited by the Accreditation Review
20 Commission on Education for the Physician Assistant.

21 ~~E. Notwithstanding any other provision of law, no one who is~~
22 ~~not a physician licensed to practice medicine in the state of~~
23 ~~Oklahoma may perform acts restricted to such physicians pursuant to~~
24

1 ~~the provisions of Section 1-731 of Title 63 of the Oklahoma~~
2 ~~Statutes.~~

3 SECTION 10. AMENDATORY 63 O.S. 2011, Section 1-568, is
4 amended to read as follows:

5 Section 1-568. A. Nothing in the Genetic Counseling Licensure
6 Act may be construed to require any genetic counselor or other
7 person to mention, discuss, suggest, propose, recommend, or refer
8 for, abortion, or to agree or indicate a willingness to do so, nor
9 shall licensing of any genetic counselor be contingent upon
10 acceptance of abortion as a treatment option for any genetic or
11 other prenatal disease, anomaly, or disability.

12 B. If the State Board of Health determines that accreditation
13 of genetic counseling training programs by the American Board of
14 Genetic Counseling or of medical genetics training programs by the
15 American Board of Medical Genetics is dependent on criteria, or
16 applied in a manner, incompatible with the provisions of subsection
17 A of this section, it shall establish or recognize and apply
18 criteria for accreditation of alternative genetic counseling
19 training programs or medical genetics training programs compatible
20 with the provisions of subsection A of this section and any genetic
21 counseling training programs or medical genetics training programs
22 accredited thereunder shall be deemed accredited for the purposes of
23 paragraph 3 of subsection A of Section 4 of this act.

1 C. If the State Board of Health determines that the examination
2 required for certification as a genetic counselor by the American
3 Board of Genetic Counseling or the American Board of Medical
4 Genetics or as a medical geneticist by the American Board of Medical
5 Genetics is incompatible with the provisions of subsection A of this
6 section, it shall establish or recognize an alternative examination
7 compatible with the provisions of that subsection and an individual
8 who passes such an examination shall be deemed to meet the relevant
9 requirements of paragraph 4 of subsection A of Section 4 of this
10 act.

11 D. The State Board of Health shall by rule waive such other
12 provisions of the Genetic Counseling Licensure Act and provide for
13 appropriate substitute requirements as it determines necessary to
14 ensure compliance with subsection A of this section.

15 E. There shall be no cause of action against any person for
16 failure to mention, discuss, suggest, propose, recommend, or refer
17 for, abortion, ~~unless the abortion is necessary to prevent the death~~
18 ~~of the mother.~~

19 F. This section shall not be severable from the Genetic
20 Counseling Licensure Act.

21 SECTION 11. AMENDATORY 63 O.S. 2011, Section 1-701, is
22 amended to read as follows:

23 Section 1-701. For the purposes of this article:
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1 1. "Hospital" means any institution, place, building or agency,
2 public or private, whether organized for profit or not, devoted
3 primarily to the maintenance and operation of facilities for the
4 diagnosis, treatment or care of patients admitted for overnight stay
5 or longer in order to obtain medical care, surgical care,
6 obstetrical care, or nursing care for illness, disease, injury,
7 infirmity, or deformity. Except as otherwise provided by paragraph
8 5 of this subsection, places where pregnant females are admitted and
9 receive care incident to pregnancy, ~~abortion~~ or delivery shall be
10 considered to be a "hospital" within the meaning of this article,
11 regardless of the number of patients received or the duration of
12 their stay. The term "hospital" includes general medical surgical
13 hospitals, specialized hospitals, critical access and emergency
14 hospitals, and birthing centers;

15 2. "General medical surgical hospital" means a hospital
16 maintained for the purpose of providing hospital care in a broad
17 category of illness and injury;

18 3. "Specialized hospital" means a hospital maintained for the
19 purpose of providing hospital care in a certain category, or
20 categories, of illness and injury;

21 4. "Critical access hospital" means a hospital determined by
22 the State Department of Health to be a necessary provider of health
23 care services to residents of a rural community;
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25

1 5. "Emergency hospital" means a hospital that provides
2 emergency treatment and stabilization services on a 24-hour basis
3 that has the ability to admit and treat patients for short periods
4 of time;

5 6. "Birthing center" means any facility, place or institution,
6 which is maintained or established primarily for the purpose of
7 providing services of a certified midwife or licensed medical doctor
8 to assist or attend a woman in delivery and birth, and where a woman
9 is scheduled in advance to give birth following a normal,
10 uncomplicated, low-risk pregnancy. Provided, however, licensure for
11 a birthing center shall not be compulsory; and

12 7. "Day treatment program" means nonresidential, partial
13 hospitalization programs, day treatment programs, and day hospital
14 programs as defined by subsection A of Section 175.20 of Title 10 of
15 the Oklahoma Statutes.

16 SECTION 12. AMENDATORY 63 O.S. 2011, Section 1-728c, is
17 amended to read as follows:

18 Section 1-728c. An employer shall not discriminate against an
19 employee or prospective employee by refusing to reasonably
20 accommodate the religious observance or practice of the employee or
21 prospective employee, ~~unless the employer can demonstrate that the~~
22 ~~accommodation would pose an undue hardship on the program,~~
23 ~~enterprise, or business of the employer,~~ in the following
24 circumstances:

1 ~~1. An abortion as defined in Section 1-730 of Title 63 of the~~
2 ~~Oklahoma Statutes. The provisions of this section shall not apply~~
3 ~~if the pregnant woman suffers from a physical disorder, physical~~
4 ~~injury, or physical illness which, as certified by a physician,~~
5 ~~causes the woman to be in imminent danger of death unless an~~
6 ~~abortion is immediately performed or induced and there are no other~~
7 ~~competent personnel available to attend to the woman. As used in~~
8 ~~this act, the term "abortion" shall not include the prescription of~~
9 ~~contraceptives;~~

10 ~~2.~~ An experiment or medical procedure that destroys an in vitro
11 human embryo or uses cells or tissue derived from the destruction of
12 an in vitro human embryo;

13 ~~3.~~ 2. An experiment or medical procedure on an in vitro human
14 embryo that is not related to the beneficial treatment of the in
15 vitro human embryo;

16 ~~4.~~ 3. An experiment or medical procedure on a developing child
17 in an artificial womb, at any stage of development, that is not
18 related to the beneficial treatment of the developing child;

19 ~~5.~~ 4. A procedure, including a transplant procedure, that uses
20 fetal tissue or organs that come from a source other than a
21 stillbirth or miscarriage; or

22 ~~6.~~ 5. An act that intentionally causes or assists in causing
23 the death of an individual by assisted suicide, euthanasia, or mercy
24 killing.

1 SECTION 13. AMENDATORY 63 O.S. 2011, Section 2601, is

2 amended to read as follows:

3 Section 2601. For the purposes of this act, the following words
4 and phrases mean:

5 (a) "Minor" means any person under the age of eighteen (18)
6 years of age, except such person who is on active duty with or has
7 served in any branch of the Armed Services of the United States
8 shall be considered an adult.

9 (b) "Health professional" means for the purposes of this act
10 any licensed physician, psychologist, dentist, osteopathic
11 physician, podiatrist, chiropractor, registered or licensed
12 practical nurse or physician's assistant.

13 (c) "Health services" means services delivered by any health
14 professional including examination, preventive and curative
15 treatment, surgical, hospitalization, and psychological services,
16 except ~~abortion or sterilization. Should the health services~~
17 ~~include counseling concerning abortion, all alternatives will be~~
18 ~~fully presented to the minor.~~ Services in this act shall not
19 include research or experimentation with minors except where used in
20 an attempt to preserve the life of that minor, or research as
21 approved by an appropriate review board involved in the management
22 of reportable diseases.

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 18h of Title 74, unless there is
3 created a duplication in numbering, reads as follows:

4 The Attorney General shall monitor this state's enforcement of
5 Chapter 24 of Title 21 of the Oklahoma Statutes in relation to
6 abortion. The Attorney General shall direct state agencies to
7 enforce those laws regardless of any contrary or conflicting federal
8 statutes, regulations, executive orders, or court decisions.

9 SECTION 15. AMENDATORY 74 O.S. 2011, Section 5054, is
10 amended to read as follows:

11 Section 5054. A. None of the funds provided in the Oklahoma
12 Health Research Act shall be used to conduct or support any research
13 or experimentation on a human subject unless the research or
14 experimentation has been reviewed and approved by an institutional
15 review board.

16 B. None of the funds provided in the Oklahoma Health Research
17 Act shall be used to undertake any research which has abortion, as
18 defined by Section ~~1-730~~ 691 of Title ~~63~~ 21 of the Oklahoma
19 Statutes, as its purpose.

20 SECTION 16. REPEALER 21 O.S. 2011, Sections 684, 714,
21 861 and 862, are hereby repealed.

22 SECTION 17. REPEALER 63 O.S. 2011, Sections 1-729a, as
23 amended by Section 1, Chapter 121, O.S.L. 2014 (63 O.S. Supp. 2018,
24 Section 1-729a), 1-731, 1-731.2 through 1-737, 1-737.4, as amended
25

1 by Section 1, Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2018, Section
2 1-737.4), 1-737.5, 1-737.6, 1-738i, 1-738j, 1-738k, as amended by
3 Section 1, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-
4 738k), 1-738l, 1-738m, as amended by Section 6, Chapter 255, O.S.L.
5 2015 (63 O.S. Supp. 2018, Section 1-738m), 1-738n, as amended by
6 Section 3, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-
7 738n), 1-738o, 1-738p, 1-738.1A, 1-738.2 through 1-738.3a, as
8 amended by Sections 1 through 3, Chapter 255, O.S.L. 2015 (63 O.S.
9 Supp. 2018, Sections 1-738.2 through 1-738.3a), 1-738.3d, 1-738.3e,
10 1-738.5, 1-738.6, 1-738.7, 1-738.8, as amended by Section 4, Chapter
11 255, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.8), 1-738.9
12 through 1-738.12, 1-738.13, as amended by Section 5, Chapter 255,
13 O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.13), 1-738.14 through
14 1-740.1, 1-740.2, 1-740.3 and 1-740.4, as amended by Sections 2, 3
15 and 4, Chapter 320, O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-
16 740.2, 1-740.3 and 1-740.4), 1-740.4a, 1-740.4b, as amended by
17 Section 1, Chapter 386, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-
18 740.4b), 1-740.5 through 1-740.11, 1-740.12, as amended by Section
19 485, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2018, Section 740.12),
20 1-741 through 1-743, and 1-745.1 through 1-745.11, are hereby
21 repealed.

22 SECTION 18. REPEALER Sections 1 through 7, Chapter 170,
23 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-729.1 through 1-729.7),
24 are hereby repealed.

1 SECTION 19. REPEALER Sections 1 through 9, Chapter 159,
2 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-745.12 through 1-
3 745.19), are hereby repealed.

4 SECTION 20. REPEALER Section 4, Chapter 303, O.S.L. 2013
5 (63 O.S. Supp. 2018, Section 1-738q), is hereby repealed.

6 SECTION 21. REPEALER Sections 1 through 6, Chapter 198,
7 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-738.3f through 1-
8 738.3k), are hereby repealed.

9 SECTION 22. REPEALER Sections 2, 4, and 5, Chapter 268,
10 O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-740.2A, 1-740.13 and 1-
11 740.14), are hereby repealed.

12 SECTION 23. REPEALER Sections 1 and 5 through 10,
13 Chapter 320, O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-744 through
14 1-744.6), are hereby repealed.

15 SECTION 24. REPEALER Sections 1, 3 through 5 and 7
16 through 10, Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2018, Sections
17 1-746.1, 1-746.3 through 1-746.5 and 1-746.7 through 1-746.10), are
18 hereby repealed.

19 SECTION 25. REPEALER Sections 2 and 6, Chapter 175,
20 O.S.L. 2014, as amended by Sections 7 and 8, Chapter 255, O.S.L.
21 2015 (63 O.S. Supp. 2018, Sections 1-746.2 and 1-746.6), are hereby
22 repealed.

23 SECTION 26. REPEALER Section 1, Chapter 370, O.S.L. 2014
24 (63 O.S. Supp. 2018, Section 1-748), is hereby repealed.

1 SECTION 27. REPEALER Sections 1 through 10, Chapter 59,
2 O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-737.7 through 1-737.16),
3 are hereby repealed.

4 SECTION 28. REPEALER Section 9, Chapter 255, O.S.L. 2015
5 (63 O.S. Supp. 2018, Section 1-738.5a), is hereby repealed.

6 SECTION 29. REPEALER Sections 2 through 4, Chapter 386,
7 O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-749 through 1-750), are
8 hereby repealed.

9 SECTION 30. REPEALER Sections 1 and 3 through 5, Chapter
10 353, O.S.L. 2016 (63 O.S. Supp. 2018, Sections 1-751 and 1-753
11 through 1-755), are hereby repealed.

12 SECTION 31. REPEALER Section 2, Chapter 353, O.S.L.
13 2016, as amended by Section 2, Chapter 123, O.S.L. 2017 (63 O.S.
14 Supp. 2018, Section 1-752), is hereby repealed.

15 SECTION 32. REPEALER Sections 1 through 5, Chapter 308,
16 O.S.L. 2017 (63 O.S. Supp. 2018, Sections 1-740.15 through 1-
17 740.19), are hereby repealed.

18 SECTION 33. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 Any federal statute, regulation, executive order or court
21 decision which purports to supersede, stay or overrule this Act is
22 in violation of the Constitution of the State of Oklahoma and the
23 Constitution of the United States of America and is therefore void.
24 The State of Oklahoma and its political subdivisions, and agents

1 thereof, may not enter an appearance, special or otherwise, in any
2 federal suit challenging this Act.

3 SECTION 34. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 The provisions, words, phrases and clauses of this act are
6 declared to be inseverable.

7 SECTION 35. This act shall become effective November 1, 2019.

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